

PART 435—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, OTHER NON-PROFIT ORGANIZATIONS, AND COMMERCIAL ORGANIZATIONS

Subpart A—General

Sec.

- 435.1 Purpose.
- 435.2 Definitions.
- 435.3 Effect on other issuances.
- 435.4 Deviations.
- 435.5 Subawards.

Subpart B—Pre-Award Requirements

- 435.10 Purpose.
- 435.11 Pre-award policies.
- 435.12 Forms for applying for Federal assistance.
- 435.13 Debarment and suspension. [Reserved]
- 435.14 Special award conditions.
- 435.15 Metric system of measurement.
- 435.16 Resource Conservation and Recovery Act.
- 435.17 Certifications and representations.

Subpart C—Post-Award Requirements

FINANCIAL AND PROGRAM MANAGEMENT

- 435.20 Purpose of financial and program management.
- 435.21 Standards for financial management systems.
- 435.22 Payment.
- 435.23 Cost sharing or matching.
- 435.24 Program income.
- 435.25 Revision of budget and program plans.
- 435.26 Non-Federal audits.
- 435.27 Allowable costs.
- 435.28 Period of availability of funds.

PROPERTY STANDARDS

- 435.30 Purpose of property standards.
- 435.31 Insurance coverage.
- 435.32 Real property.
- 435.33 Federally-owned and exempt property.
- 435.34 Equipment.
- 435.35 Supplies and other expendable property.
- 435.36 Intangible property.
- 435.37 Property trust relationship.

PROCUREMENT STANDARDS

- 435.40 Purpose of procurement standards.
- 435.41 Recipient responsibilities.
- 435.42 Codes of conduct.
- 435.43 Competition.

- 435.44 Procurement procedures.
- 435.45 Cost and price analysis.
- 435.46 Procurement records.
- 435.47 Contract administration.
- 435.48 Contract provisions.

REPORTS AND RECORDS

- 435.50 Purpose of reports and records.
- 435.51 Monitoring and reporting program performance.
- 435.52 Financial reporting.
- 435.53 Retention and access requirements for records.

TERMINATION AND ENFORCEMENT

- 435.60 Purpose of termination and enforcement.
- 435.61 Termination.
- 435.62 Enforcement.

Subpart D—After-the-Award Requirements

- 435.70 Purpose.
- 435.71 Closeout procedures.
- 435.72 Subsequent adjustments and continuing responsibilities.
- 435.73 Collection of amounts due.

Subpart E—Disputes

- 435.80 Appeal process.
- 435.81 Initial appeal
- 435.82 Appeal of decision of ACOAG

APPENDIX A TO PART 435—CONTRACT PROVISIONS

AUTHORITY: 5 U.S.C. 301.

SOURCE: 68 FR 28712, May 27, 2003, unless otherwise noted.

Subpart A—General

§ 435.1 Purpose.

This part establishes the Social Security Administration (SSA) administrative requirements for grants and agreements awarded to institutions of higher education, hospitals, other non-profit organizations, and commercial organizations. Subpart E of this part, which sets forth the SSA appeal process for disputes arising under SSA awards, applies to all SSA grants and cooperative agreements, including awards to the State, local and Indian tribal governments covered by 20 CFR part 437. SSA will not impose additional or inconsistent requirements, except as provided in §§ 435.4 and 435.14. Non-profit organizations that implement Federal

Social Security Administration

§ 435.2

programs for the States are also subject to State requirements. For availability of OMB circulars, see 5 CFR 1310.3.

§ 435.2 Definitions.

Accrued expenditures means the charges incurred by the recipient during a given period requiring the provision of funds for:

(1) Goods and other tangible property received;

(2) Services performed by employees, contractors, subrecipients, and other payees; and,

(3) Other amounts becoming owed under programs for which no current services or performance is required.

Accrued income means the sum of:

(1) Earnings during a given period from:

(i) Services performed by the recipient, and

(ii) Goods and other tangible property delivered to purchasers, and

(2) Amounts becoming owed to the recipient for which no current services or performance is required by the recipient.

Acquisition cost of equipment means the net invoice price of the equipment, including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges, such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, must be included or excluded from the unit acquisition cost in accordance with the recipient's regular accounting practices.

Advance means a payment made by Treasury check or other appropriate payment mechanism to a recipient upon its request either before outlays are made by the recipient or through the use of predetermined payment schedules.

Award means financial assistance that provides support or stimulation to accomplish a public purpose. Awards include grants and other agreements in the form of money or property in lieu of money, by the Federal Government to an eligible recipient. The term does not include: technical assistance, which provides services instead of money; other assistance in the form of

loans, loan guarantees, interest subsidies, or insurance; direct payments of any kind to individuals; and, contracts which are required to be entered into and administered under procurement laws and regulations.

Cash contributions means the recipient's cash outlay, including the outlay of money contributed to the recipient by third parties.

Closeout means the process by which SSA determines that all applicable administrative actions and all required work of the award have been completed by the recipient and SSA.

Contract means a procurement contract under an award or subaward, and a procurement subcontract under a recipient's or subrecipient's contract.

Cost sharing or matching means that portion of project or program costs not borne by the Federal government.

Date of completion means the date on which all work under an award is completed or the date on the award document, or any supplement or amendment thereto, on which SSA sponsorship ends.

Disallowed costs means those charges to an award that the Federal awarding agency determines to be unallowable, in accordance with the applicable Federal cost principles or other terms and conditions contained in the award.

Equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of \$5000 or more per unit. However, consistent with recipient policy, lower limits may be established.

Excess property means property under the control of SSA that, as determined by the head thereof, is no longer required for its needs or the discharge of its responsibilities.

Exempt property means tangible personal property acquired in whole or in part with Federal funds, where SSA has statutory authority to vest title in the recipient without further obligation to the Federal Government. An example of exempt property authority is contained in the Federal Grant and Cooperative Agreement Act (31 U.S.C. 6306), for property acquired under an award to conduct basic or applied research by a non-profit institution of